THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO.19782 OF 2001

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Dated: 18.08.2005

Between:

M/s. Chittoor Canning Pvt. Ltd., 100, Gollapalle, G.D. Nellore Mandal, Chittoor Dist., rep. by its Managing Director

A. Rama Krishna Reddy, S/o A. Subramanyam Reddy, 18-1044,

Upstairs, High Road, Chittoor, Chittoor Dist.

..... PETITIONER

AND

1 The Superintending Engineer, Operations,
AP TRANSCO, Tirupathi,
Chittoor Dist., and two others.

....RESPONDENTS

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ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the proceedings in Lr.No.DE/O/CTR/COML/F.ISC/D.No.4251/2001, dated 22.06.2001 and Lr.No.DE/O/CTR/COML/F.ISC/D.No.5173/2001, dated 24.07.2001 issued by the 2nd respondent-Divisional Engineer, Operation, Chittoor, as illegal and arbitrary.

The petitioner-Small Scale Industry is a Mango Pulp Processing Unit. For the purpose of running the said Unit, the petitioner-Industry obtained an electrical service connection bearing No.61 of

100-Gollapalle Distribution under Category III. The 3rd respondent-Assistant

Divisional Engineer, CCO, AP TRANSCO, Chittoor, Chittoor District, inspected the service connection of the petitioner-Industry on 13.11.2000 and during the inspection it was noticed that the petitioner-Industry had exceeded the contracted load of 70 HP + 3 KW by connecting a load of 116.5 HP + 3.1 KW. As much as it was found that the petitioner-Industry was utilizing the electrical power connection by exceeding the contracted load, initially a notice dated 15.11.2000 was given by the 3rd respondent to the petitioner-Industry demanding to pay an amount of Rs.77,550/- towards application fees, development charges and additional consumption deposit for regularization of the additional load and the petitioner-Industry paid the said amount on 06.01.2001. However, subsequently, further notice dated 22.06.2001 was given by the 2nd respondent-Divisional Engineer, Operation, Chittoor, to the petitioner-Industry requesting to pay further amount of Rs.1,15,100/- towards the cost of metering and terminal arrangement and Rs.16,210/- on account of ORC Charges in addition to the earlier development charges demanded, which were at Rs.70,500/-. Same demand was reiterated by further notice, dated 24.07.2001.

It is the submission of the learned counsel for the petitioner that as much as the amount of Rs.70,500/- was demanded for development charges in the notice dated 15.11.2000 for the purpose of regularizing the additional connected load, the further demand cannot be made on account of metering and terminal arrangement charges.

In the counter affidavit filed on behalf of the respondents, it is stated that as per B.P. Ms. No. 62 (OPN/-Coml.), dated 21.12.1998 and the Boards Memo No. C.E. (Comml)/A.D.E.-2/Tariffs-98/978/98, dated 30.12.1998, the APSEB issued a memo No.CE/Comml/ADE-II/Tariffs-98-99/15/99, dated 08.01.1999, which contemplates that the existing LT Industrial Consumers whose loads exceed 75 HP and within the limit of 150 HP shall be converted into LT category-III (B) and it also contemplates the procedure for conversion into LT category III (B). Further in the counter affidavit it is also stated that as per the said procedure indicated in the memos, after the service is regularized the category will change to LT category III (B), and in that view of the matter, the petitioner-Industry is liable to pay an amount of Rs.1,15,100/- towards 11 KV Terminal and Metering arrangement. It is clearly stated in the counter affidavit that the earlier demand of Rs.77,550/- was to regularize the additional load, which the petitioner-Industry had connected earlier by exceeding the sanctioned load without permission, but, in addition to the same the petitioner-Industry is required to

pay the said amount of Rs.1,15,100/- on account of terminal and metering arrangement charges.

Even according to the petitioner-Industry, it is not in dispute that its earlier contracted load was below 75 HP and now during the inspection it was found that the petitioner-Industry had connected the additional load exceeding the contracted load. Merely because the additional load was regularized, the petitioner-Industry is not entitled to continue the supply by merely paying the regularization charges. Inasmuch as it is stated in the counter affidavit that since the petitioner-Industry had exceeded the contracted load, the category will change and the further demand of Rs.1,55,100/- was on account of terminal and metering arrangement charges as per the Board proceedings referred to in B.P. Ms. No. 62 (OPN/-Coml.), dated 21.12.1998 and the Boards Memo No. C.E. (Comml)/A.D.E.-2/Tariffs-98/978/98, dated 30.12.1998, the petitioner-Industry is required to pay the impugned demand amounts.

In the circumstances, I do not find any merit in the writ petition, so as to declare the impugned demands as illegal. The writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

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(R. SUBHASH REDDY, J)

Date: 18.08.2005

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